

E-Filed 5/18/06

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHOENIX LOGISTICS, INC.,

Claimant,

v.

EDO RECONNAISSANCE AND
SURVEILLANCE SYSTEMS, INC.,

Respondent.

Case Number C 06-80065 MISC JF
(HRL)

ORDER¹ REQUESTING
SUPPLEMENTAL BRIEFING

On May 3, 2006, Respondent filed a motion to change the hearing date of Claimant's petition to confirm binding arbitration award from June 2, 2006 to August 4, 2006. Claimant opposes the motion to change the hearing date. Neither party has addressed the effect of *Demello v. Souza*, 36 Cal.App.3d 79, 83 (1973), which provides that "[w]hen the party petitions the court to confirm the award before the expiration of the 100-day period, respondent may seek vacation or correction of the award by way of response only if he serves and files his response within 10 days after the service of the petition (§ 1290.6)." Accordingly, the Court hereby requests supplemental briefing, which shall address the effect of *Demello* on the instant motion to change

¹ This disposition is not designated for publication and may not be cited.

1 the hearing date. Both parties' supplemental briefs shall be filed on or before May 23, 2006.

2 Each brief shall not exceed three pages in length.

3 IT IS SO ORDERED.

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5 DATED: May 18, 2006

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JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

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